

REMARKS

Prior to entry of the present amendment, claims 14-32 are pending. Claims 16-20, 22, 25, 26, due to a restriction requirement, are withdrawn from consideration and claims 30 and 31 are withdrawn from examination as not being directed to the elected invention. Claims 14, 15, 21, 23, 24, 27-29, and 32 were examined in the last Office Action. Claims 14, 15, 21, 24, and 27-29 are rejected under 35 U.S.C. § 112, first paragraph, and claim 21 is rejected under 35 U.S.C. § 112, second paragraph. Claim 23 and 32 are objected to. Applicants address each basis for rejection as follows.

Claim Amendments

Claims 14 and 27 have been amended to no longer recite inhibiting PACAP *production* and to include the features of claim 23. Claims 14 and 27 now recite that the compound inhibiting PACAP activity is a neutralizing anti-PACAP antibody or an antigen-binding fragment thereof.

In view of the amendment to claim 14, claims 21 and 23 have been cancelled. Further, withdrawn claims 16-20, 22, 25, 26, 30, and 31 have been cancelled.

Claim 32 has been amended to recite a PACAP(1-38) polypeptide consisting of the amino acid sequence of SEQ ID NO:1 as suggested by the Examiner. The dependency of claim 32 also has been amended.

No new matter has been added by the present amendment. Applicants reserve the right to pursue any cancelled subject matter in this or in a continuing application.

Restriction Requirement

Applicants acknowledge that the Office withdrew claims 30 and 31 as not being directed to the elected invention. These claims have now been cancelled.

Objection to the Specification

The Office objects to the specification for failing to include sequence identifiers for all sequences disclosed in the specification. The specification has been amended to include

sequence identifiers for all nucleotide and amino acid sequences as required by 37 C.F.R. §§ 1.821-1.824. This basis for objection may be withdrawn.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 14, 15, 21, 24, and 27-29 are rejected under 35 U.S.C. § 112, first paragraph, for an asserted lack of enablement and written description in the specification. Applicants address these bases for rejection, in turn, below.

Enablement

The Office indicates, at the beginning of Item 4 of the Office Action, that the specification enables methods of treating thrombocytopenia with antibodies that bind PACAP and, at page 10, states that claim 23 “would be allowable if rewritten in independent form including all limitations of the independent claim and any intervening claims.”

Claims 14 and 27 have been amended to include the features of claim 23 (now cancelled). Each recites a neutralizing anti-PACAP antibody or an antigen-binding fragment thereof.

In addition, claims 14 and 27 no longer recite compounds inhibiting PACAP *production*, and claim 21 has been cancelled.

Applicants submit that the claims as amended are directed to subject matter that the Office has indicated to be enabled by the specification. This basis for the 35 U.S.C. § 112, first paragraph rejection may, therefore, be withdrawn.

Written description

The Office asserts that the claims encompass molecules that are not adequately described in the specification. As indicated above, the independent claims, claims 14 and 27, have been amended to include the features of claim 23 which, in the last action, the Office had indicated to be allowable if rewritten in independent form. In particular, the claims now recite a neutralizing anti-PACAP antibody or an antigen-binding fragment thereof. Applicants submit that the claims as amended are free of the written description rejection. This basis for rejection under 35 U.S.C. § 112, first paragraph may also be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 21 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite based on a lack of antecedent basis for the term “said inhibitor.” Claim 21 has been cancelled and, therefore, rejection of this claim is moot.

Claim objections

Claim 23 is rejected as depending from a rejected claim, but the Office states that this claim would be allowable if rewritten in independent form. Applicants note that the features of claim 23 have been included in claim 14 from which claim 23 depended and claim 23 has been cancelled. Applicants submit that claim 14 as amended therefore is in condition for allowance. Similarly, the features of claim 23 have been included in claim 27. Accordingly, Applicants submit that claim 27 as amended is also in condition for allowance.

The Office suggests that claim 32 “be amended to recite ‘capable of binding to a polypeptide consisting of the amino acid sequence of SEQ ID NO:1’.” Claim 32 has been amended as suggested by the Office. This basis for objection may be withdrawn.

CONCLUSION

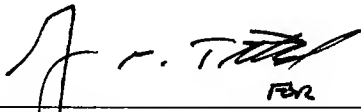
Applicants submit that the application is now in condition for allowance, and such action is hereby respectfully requested.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

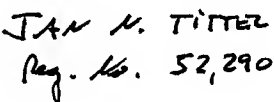
Respectfully submitted,

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